IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.49 OF 2000

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders

Dilip Bodake for the appellants.

N.J. Patil for respondent nos.1 and 2.

CORAM: S.B. DESHMUKH, J.

DATE : SEPTEMBER 11, 2006.

P.C. :

1. The learned counsel appearing for the appellant, submits that sole appellant, namely, Shantabai Parshuram Koli died somewhere in the year March, 2005. Legal heirs are not brought on record.

2. The learned counsel for respondent submits that during the pendency of Civil Application, settlement is filed in the executing court by the parties concerned.

They have also filed on record the precipe / pursis (certified copy) filed in Final Decree Application No. 5 of 1996.

3. Since the sole appellant died and no application for substitution is filed, Second Appeal stands abated and as such dismissed and disposed off. Interim relief, if any, stands vacated.

sd/-

(JUDGE)